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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined eighth and ninth periodic reports of Guatemala*

1. The Committee considered the combined eighth and ninth periodic reports of Guatemala (CEDAW/C/GTM/8-9) at its 1558th and 1559th meetings (see CEDAW/C/SR.1558 and CEDAW/C/SR.1559), held on 10 November 2017. The Committee's list of issues and questions is contained in CEDAW/C/GTM/Q/8-9 and the responses of Guatemala are contained in CEDAW/C/GTM/Q/8-9/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined eighth and ninth periodic reports. It also appreciates the information provided by the State party in follow-up to the concluding observations on its seventh periodic report (CEDAW/C/GUA/CO/7/Add.1) and the written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its large, high-level delegation, which was headed by the Presidential Secretary for Women, Ana Leticia Aguilar Theissen. The delegation also included the Minister for Labour and Social Security and representatives of the Presidential Secretariat for Women, the Supreme Court, the Constitutional Court, the Ministry of Public Health and Social Assistance, the Ministry of Governance, Congress and the Congressional Commission for Women, the Forum of Women Parliamentarians, the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights, the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Human Rights Directorate of the Ministry of Foreign Affairs and the Permanent Mission of Guatemala to the United Nations Office and other international organizations in Geneva.

* Adopted by the Committee at its sixty-eighth session (23 October–17 November 2017).

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B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2009 of the State party's seventh periodic report (CEDAW/C/GUA/7) in undertaking legislative reforms, in particular the adoption of the following:

(a) Decree No. 13-2017 amending the Civil Code to set the minimum age for marriage or entering into union at 18 years of age for women and men without exceptions;

(b) Decree No. 9-2016 on the immediate conduct of searches for disappeared women and the establishment of a related mechanism;

(c) Decree No. 18-2016 creating positions of specialized prosecutors, within the Office of the Public Prosecutor, for the crimes of trafficking in persons and of femicide;

(d) Decree No. 27-2010 amending the Civil Code and the Penal Code to eliminate provisions that discriminate against women in relation to marriage, divorce and the presumption of paternity.

5. The Committee welcomes the adoption in 2009 of the national policy for the advancement and integral development of women and the equal opportunities plan, 2008–2023. It also notes with appreciation the adoption in 2016 of the national action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Convention on the Rights of Persons with Disabilities, in 2009;

(b) Rome Statute of the International Criminal Court, in 2012.

7. The Committee notes with satisfaction the commitment of the State party to implementing the Sustainable Development Goals in connection with the national development plan, entitled "K'atún: our Guatemala 2032", in particular with regard to addressing discrepancies between women's and men's access to education, employment and political representation.

C. Factors and difficulties preventing the effective implementation of the Convention

8. The Committee acknowledges the challenges that the State party faces in addressing the causes of persistent economic and social inequality, poverty, exclusion and lack of access to land and productive resources for women, in particular indigenous women and Garifuna and non-Garifuna women of African descent, and the pressing need for increased and more efficient revenue collection to finance social expenditure. It notes the delays in delivering justice for and the payment of reparations to women who were victims of sexual violence during the internal conflict. The Committee also notes that continued allegations of corruption and impunity hamper efforts to strengthen the rule of law in the State party. It takes note of the deeply entrenched racism and discrimination against women, which contribute to the perpetuation of violence. The Committee further notes the pressure from groups

that campaign against women's rights, and the increasing risk of setbacks and reversals in the achievement of women's substantive equality.

D. Parliament

9. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Congress, in line with its mandate, to take the steps necessary to implement the present concluding observations before the next reporting period under the Convention.**

E. Principal areas of concern and recommendations

Definition of discrimination and legislative framework

10. The Committee notes with appreciation that the right to equality is enshrined in article 4 of the Constitution and that the State party has made efforts to adopt laws and mechanisms for the advancement of women. It remains concerned, however, about the absence of a comprehensive article in the Constitution on the right to non-discrimination, in line with articles 1 and 2 (b) of the Convention, as well as of legislation on the prohibition of all forms of discrimination, including sanctions for such discrimination. It is also concerned about the insufficient measures taken to modify or repeal existing discriminatory laws and regulations and about the lack of implementation and visibility of the Convention in the State party.

11. **Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee reiterates its previous recommendation (CEDAW/C/GUA/CO/7, para. 12) and calls upon the State party:**

(a) **To apply in its legislation the comprehensive definition of discrimination against women and girls contained in article 1 of the Convention and to prohibit all discrimination against women, in accordance with article 2 (b), and to ensure that that legislation covers all prohibited grounds of discrimination, includes protection from discrimination for indigenous women, Garifuna women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, in the public and private spheres, and covers intersecting forms of discrimination;**

(b) **To review its legislation, especially its Civil Code and Penal Code, to ensure compliance with the Convention, and to repeal any provisions that discriminate against women;**

(c) **To raise awareness about the Convention and women's rights in particular among women and among all civil servants and the general public.**

Access to justice and remedies

12. The Committee commends the efforts of the Office of the Public Prosecutor to end impunity and combat corruption, in cooperation with the International Commission against Impunity in Guatemala and civil society organizations, and to increase women's access to justice. It notes the adoption of the policy on the access of indigenous peoples to the Office and the efforts to develop a specialized justice

system and provide interpretation services to strengthen access to justice for indigenous women. However, the Committee notes with concern:

(a) The multiple barriers to women's access to justice, including the limited coverage of the justice system, especially in remote locations, poverty and linguistic barriers, which act as deterrents to filing complaints, as well as the scarcity of entry points for women to access the justice system at the local level, such as police stations, health centres, schools and churches;

(b) The persistent social stigma, stereotypes and discrimination against women, in particular indigenous women, in the judicial system;

(c) The insufficient capacity of law enforcement officials to investigate and prosecute cases and the resulting high level of impunity for perpetrators of gender-based violence against women, often owing to corruption, the lack of independence of the judiciary or the influence that powerful non-State actors exert on judges, including through assassinations and threats of violence.

13. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure women's access to justice, including by allocating additional resources, enhancing women's access to legal aid and free interpretation services and adopting and implementing service provision protocols to improve access to justice that take into account the specific needs of indigenous women and Garifuna and non-Garifuna women of African descent;**

(b) **Provide mandatory capacity-building for judges, lawyers, law enforcement personnel and other relevant professionals on women's right to access justice and on the remedies available to women seeking to access justice;**

(c) **Continue its efforts to strengthen the independence and effectiveness of the justice system, investigate, prosecute and punish perpetrators of offences against women and ensure that those officials who fail to abide by the international and national legal frameworks on human rights with respect to the prosecution of perpetrators are sanctioned appropriately.**

National machinery for the advancement of women

14. The Committee notes with appreciation the reinstatement of the Presidential Secretariat for Women as the main machinery for the advancement of women, as well as the approval of its strategic institutional plan, 2018–2022, following the weakening of the three principal machineries for the advancement of women between 2012 and 2015. It notes with concern, however, the State party's reluctance to adopt draft legislation to elevate the Presidential Secretariat for Women to ministerial status. It remains concerned about its limited resources, authority and capacity and that of other specific institutions tasked with the promotion of women's rights, including the Office for the Defence of Indigenous Women's Rights, and the National Coordination Office for the Prevention of Domestic Violence and Violence against Women. The Committee notes with concern the insufficient budget allocations made for institutional strengthening and the implementation of policies such as the national policy for the advancement and integral development of women and the equal opportunities plan, owing partly to insufficient tax revenue.

15. **The Committee recommends that the State party:**

(a) **Strengthen the mandate of the Presidential Secretariat for Women, elevate it to the ministerial level, allocate adequate resources to it and improve its operational efficiency;**

(b) **Increase the capacity and resources for the advancement of women of the Presidential Secretariat for Women, the Office for the Defence of Indigenous Women's Rights and the National Coordination Office for the Prevention of Domestic Violence and Violence against Women, ensuring increased coordination among them, and expedite the reinstatement of the National Coordination Office under the Presidential Secretariat;**

(c) **Increase its public revenue to ensure the necessary resources for public spending, including for the implementation of the national policy for the advancement and integral development of women;**

(d) **Continue to intensify its efforts to implement a gender-responsive budgeting approach in the allocation of public resources in the national budget to accelerate the achievement of substantive equality between women and men.**

Temporary special measures

16. The Committee notes with concern the lack of adequate consideration by the State party of the nature, scope and necessity of temporary special measures aimed at accelerating substantive equality between women and men, in accordance with article 4 (1) of the Convention. It is also concerned about the absence of temporary special measures to accelerate the achievement of substantive equality between women and men in political and public life, education and employment.

17. **The Committee recommends that the State party adopt and implement temporary special measures, in line with article 4 (1) of the Convention, and establish specific targets and time frames, to accelerate substantive equality between women and men in all areas where women, including indigenous women, women of African descent and women with disabilities, continue to be disadvantaged or underrepresented, such as in political and public life, education and employment. In that regard, the Committee draws the attention of the State party to the Committee's general recommendation No. 25 (2004) on temporary special measures.**

Stereotypes

18. The Committee notes with concern the persistence in the State party of discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, whereby women are widely regarded as subordinate to men. Such stereotypes contribute to the perpetuation of high levels of violence against women and girls, including femicide, sexual and domestic violence, harassment and abuse.

19. **The Committee reiterates its recommendation that the State party should implement comprehensive measures to modify and transform discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and at all levels of society and eliminate discriminatory gender stereotyping (see CEDAW/C/GUA/CO/7, para. 20). It recommends that the State party, as part of an overall strategy, train public officials in all sectors on the acceleration of de facto equality between women and men and the elimination of**

intersecting forms of discrimination against women and girls. In that connection, it recommends that the State party remove discriminatory gender stereotypes from textbooks and school curricula.

Gender-based violence against women

20. The Committee notes with appreciation the creation of the branch of the Office of the Public Prosecutor with national jurisdiction over femicide and of the specialized courts on femicide and other forms of violence against women. Given the retrogression of the institutions responsible for the protection of women from violence and of the measures advanced in the previous reporting period, the Committee welcomes the recent reactivation of the National Coordination Office for the Prevention of Domestic Violence and Violence against Women and the policy on decent and transformative reparation in cases of sexual violence, forced pregnancy and forced maternity in girls and adolescents. However, the Committee remains concerned about the following:

(a) Pervasiveness of gender-based violence against women and girls in the State party, including the alarming and increasing rates of femicide, hate crimes against lesbian, bisexual and transgender women and intersex persons, domestic violence, and rape and incest resulting in forced pregnancy, and the absence of reliable disaggregated data and of effective preventive strategies;

(b) Low number of prosecutions of perpetrators and the lenient sentences imposed on them, which result in systemic impunity, and the failure to provide reparation to victims;

(c) Insufficient resources allocated to the prevention of such violence and to victim support services, including shelters;

(d) Reports of sexual violence perpetrated by medical personnel and the coercive sterilization of women with disabilities, including women who are institutionalized in the Federico Mora Mental Health Hospital;

(e) Lack of standardized gender-sensitive protocols for investigating and prosecuting cases of gender-based violence against women and girls and the insufficient capacity and availability of specialized courts on femicide and other forms of violence against women throughout the territory.

21. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party implement its previous recommendation on the subject and to strengthen the National Coordination Office for the Prevention of Domestic Violence and Violence against Women (CEDAW/C/GUA/CO/7, para. 22). It also recommends that the State party:**

(a) **Implement, as a matter of priority and within a specific time frame, a national plan for the prevention of gender-based violence against women, including indigenous women and women of African descent, women living in poverty, women with disabilities and lesbian, bisexual and transgender women and intersex persons, and establish a centralized system for the collection of data on gender-based violence against women, disaggregated by age and the relationship between the victim and the perpetrator;**

(b) **Ensure that all crimes committed against women and girls, in particular femicide, are investigated by the police, that perpetrators are**

prosecuted and adequately punished and that victims are provided with adequate reparations;

(c) Allocate sufficient resources to ensure that shelters for women who are victims of gender-based violence are fully operational throughout the State party and ensure that women who are victims of gender-based violence have effective access to medical treatment, psychological counselling, legal assistance and other support services;

(d) Ensure that all cases of sexual violence and of forced sterilization committed against women and girls with disabilities are duly investigated, that perpetrators are prosecuted and adequately punished and that any medical procedure is carried out only with the free and informed consent of those concerned, in accordance with international standards;

(e) Allocate sufficient human, technical and financial resources to strengthen and expand the geographical coverage of specialized courts on femicide and other forms of violence against women, harmonize the different laws and regulations on gender-based violence against women, enhance coordination among the different institutions responsible for their implementation and adopt the use of the Latin American model protocol for the investigation of gender-related killings of women to ensure the gender-sensitive investigation and prosecution of all cases of gender-based violence against women and girls.

Gender-based violence against women committed during the internal conflict

22. The Committee notes with appreciation the invaluable contribution of civil society groups, in particular women's groups, to the peace processes in the State party. It commends the contributions of the indigenous women who were victims and witnesses of the crimes perpetrated in the village of Sepur Zarco, to the case on the matter.[1] It welcomes the adoption in 2016 of the national action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security. The Committee is concerned, however, about the significant delay in the implementation of the Agreement on a firm and lasting peace, especially with regard to reparations for the crimes perpetrated against women during the internal conflict and the pledges relating to the advancement of women. It is also concerned about the insufficient funds allocated to the Peace Secretariat and the national reparations programme.

23. **Recalling its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:**

(a) Ensure the expeditious implementation of the Agreement on a firm and lasting peace;

(b) Investigate human rights violations committed in the past and provide redress to women who were victims of gender-based violence for the harm suffered;

(c) Raise awareness among women of the truth, reconciliation and reparation processes, including those relating to the Sepur Zarco case and

[1] High Risk Court of Guatemala, *Sepur Zarco* case (No. C-01076-2012-00021), judgment of 26 February 2016.

judgment, so that women are aware of their right to bring their cases forward and seek justice;

(d) **Allocate sufficient resources for the compensation of women who are victims of human rights violations, under the national reparations programme, and for the implementation of the national action plan on the implementation of Security Council resolution 1325 (2000).**

Trafficking and sexual exploitation

24. The Committee welcomes efforts by the State party to strengthen its response to trafficking. It notes the initiative by the Ministry of Labour to provide alternative income-generating opportunities for women who wish to leave prostitution. The Committee is concerned, however, about the high incidence of trafficking in women and girls, in particular indigenous women, women of African descent and rural women, for purposes of forced labour and sexual exploitation. It also notes with concern the following:

(a) Low rates of prosecution and sentencing of perpetrators of trafficking in women and girls and the reported cases of the collusion of public officials in cases of trafficking and exploitation of prostitution, including in State-run institutions, such as child protection institutions and hospitals;

(b) Complaints about abuse and trafficking of girls, with the reported complicity of the authorities, in Hogar Seguro Virgen de la Asunción, a State residential institution for children in vulnerable situations where 41 girls perished in a fire and many others were injured, owing to the negligence of management, staff and guards;

(c) Vulnerability to trafficking for purposes of labour or sexual exploitation of internally displaced women and their families and of women who have been deported to the State party;

(d) Insufficient number of specialized shelters in the State party, in particular in rural areas;

(e) Insufficient capacity of the State party to carry out the early identification of victims of trafficking and their referral to the appropriate services.

25. **The Committee recommends that the State party reform the current system of child protection to ensure the dignity and the physical and psychological well-being of all girls. It also recommends the continuation of exit programmes and alternative income-generating opportunities for women who wish to leave prostitution. It further recommends that the State party:**

(a) **Build the capacity of the judiciary and the police to conduct gender-sensitive investigations of cases of trafficking for purposes of forced labour and sexual exploitation and to prosecute and adequately punish perpetrators;**

(b) **Proceed with the prompt investigation of the allegations of abuse and trafficking at the Hogar Seguro Virgen de la Asunción residential institution and bring those responsible for the deaths and injuries of the girls to justice without impunity and ensure that events of this type are not repeated;**

(c) **Recognize and take measures to address the vulnerable groups in need of special attention, including migrant women, internally displaced women and their families and women who have been deported to the State party, and increase the early detection capacity of law enforcement personnel to promptly**

identify victims of trafficking and facilitate their referral to the appropriate services;

(d) Ensure the protection of women and girls who have been victims of trafficking and provide them with free and immediate access to specialized shelters, medical care, psychosocial counselling, legal aid and rehabilitation and reintegration services;

(e) Enhance regional cooperation with countries of transit and destination in order to prevent trafficking through information exchange, and strengthen the capacity and resources of labour inspectors, police and border officials so as to identify forced labour, trafficking and related offences against women and girls.

Participation in political and public life

26. The Committee is concerned that the principle of gender equality, parity and the alternation of men and women for the nomination of candidates within political parties were not included in recent amendments to the Elections and Political Parties Act, notwithstanding two favourable decisions by the Constitutional Court, and that women who stand for public office, including indigenous women and women of African descent, continue to face obstacles. It is also concerned about the continued low representation of women in elected and appointed decision-making positions; women hold only two ministerial posts and account for just 27 per cent of heads of mission in the foreign service, 16 per cent of members of Congress and less than 3 per cent of mayors.

27. **The Committee reiterates its recommendation contained in paragraph 26 of its previous concluding observations (CEDAW/C/GUA/CO/7) and recommends that the State party:**

(a) Take sustained measures, including temporary special measures, such as amending the Elections and Political Parties Act to introduce statutory quotas for women's representation in elected and appointed decision-making positions, enforcing the alternation of men and women for the nomination of candidates within political parties and providing financial incentives to political parties with an equal number of women and men at equal ranks on their electoral lists, in accordance with articles 4 (1), 7 and 8 of the Convention and the Committee's general recommendation No. 23 (1997) on women in political and public life and general recommendation No. 25 (2004) on temporary special measures, to accelerate the representation of women in all areas of political and public life, including in elected bodies and government posts at all levels and at the international level;

(b) Increase the availability of training and capacity-building programmes for women, including indigenous women and women of African descent, who wish to enter into political life or to hold public office;

(c) Enhance the capacity of the media to refrain from perpetuating stereotypes of women in public and political life and to ensure that women and men who are candidates or elected representatives receive equal visibility, especially during election periods;

(d) Raise awareness among politicians, the media, traditional leaders and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement

for the effective implementation of the Convention, as well as for the political stability and economic development of the country.

Women human rights defenders

28. The Committee takes note of the information provided by the State party on the ongoing elaboration of the public policy for the protection of human rights defenders. Nevertheless, the Committee notes with concern that women human rights defenders in the State party, including indigenous women defending land rights and environmental resources, women advocating protection from gender-based violence and women defending the human rights of lesbian, bisexual and transgender women and intersex persons, are increasingly subject to attacks, sexual violence, intimidation, stigmatization, criminalization of their activities, illegal detention and defamation campaigns against them. It is also concerned that social protest is oppressed by using gender-based violence, including sexual violence, against women activists. It notes with concern the overall impunity for perpetrators of gender-based violence and other rights violations against women human rights defenders, as well as alleged cases of collusion between law enforcement officials and perpetrators.

29. **The Committee recommends that the State party:**

(a) **Ensure the protection of women human rights defenders from violence and intimidation, including through the adoption and implementation of the public policy on the protection of human rights defenders and the protocol of the Office of the Public Prosecutor on the investigation of cases of rights violations against human rights defenders;**

(b) **Ensure the prompt investigation, prosecution and punishment of all abuses against women human rights defenders, taking into account the specific risks that women face;**

(c) **Guarantee that women human rights defenders and activists can freely carry out their work protecting women's human rights and exercise their rights to freedom of peaceful assembly and association.**

Nationality

30. The Committee is concerned about the failure of the State party to achieve universal birth registration.

31. **The Committee recommends that the State party continue efforts to modernize and decentralize its civil registry offices and their ability to deliver services in rural areas and where indigenous languages are predominant.**

Education

32. The Committee notes with appreciation the State party's efforts to develop a bilingual education system and to provide culturally appropriate education to girls and boys. It remains concerned, however, at the significant level of illiteracy and the poor level of numeracy among girls and women, in particular indigenous girls and women. It is concerned about the disproportionately low enrolment and high dropout rates of girls in the education system, owing to multiple factors, including poverty, violence and harassment on the way to or at school, early pregnancy, competing household and caretaking obligations and the recruitment of girls as domestic workers. The Committee is also concerned about the limited access to secondary education for indigenous and rural girls and women and the insufficient resources to

implement and make bilingual and intercultural education widely available in indigenous communities. The Committee notes with concern the delay in the adoption of a public policy on age-appropriate education on sexual and reproductive health and rights and the lack of implementation of the comprehensive sex education programme.

33. **The Committee recommends that the State party increase efforts, through the Ministry of Education, to increase the inclusion and retention of girls in school, in particular at the secondary level, with special attention being paid to indigenous girls. It also recommends that the State party:**

(a) **Adopt and implement targeted measures, including temporary special measures, to accelerate equal access to free high-quality education at the mandatory levels for girls and women, including indigenous girls, girls of African descent and girls with disabilities;**

(b) **Strengthen efforts, including through the provision of scholarships and free school meals, to retain girls in school and ensure that young mothers can return to school following childbirth and complete their education;**

(c) **Enhance school infrastructure in rural and remote areas to facilitate girls' access to high-quality education and improve the quality of distance education;**

(d) **Establish effective reporting and accountability mechanisms to investigate and prosecute cases of sexual abuse and harassment of girls in school environments;**

(e) **Strengthen the capacity of teachers to provide bilingual and intercultural education to indigenous and rural communities;**

(f) **Incorporate age-appropriate curricula at all levels of education on comprehensive sexuality education for girls and boys, including sexual and reproductive health and rights, responsible sexual behaviour and the prevention of early pregnancy and sexually transmitted infections, and train teachers to deliver those curricula;**

(g) **Enhance cooperation and partnerships with, among others, civil society organizations, the private sector and the media, to ensure high-quality education for all women and girls.**

Employment

34. The Committee reiterates its concern about discrimination against women in employment, the lack of social and labour protection that women are afforded, owing to the precarious nature of their work in agriculture, the *maquiladora* industry and the local production of food and the segregation of most women into the lowest-paid occupations, in particular in informal occupations, including domestic labour. It is also concerned about the persistence of child labour and the limited information on eradication strategies. The Committee notes with concern the absence of legal provisions explicitly addressing sexual harassment in the workplace and is concerned about discriminatory and illegal practices, such as testing women for HIV/AIDS and pregnancy during job selection processes.

35. **The Committee recommends that the State party eliminate horizontal and vertical occupational segregation, including by adopting temporary special measures to promote access for women to employment and that it:**

(a) Increase women's access to decent work and promote their transition from work in the lowest paid professions to employment in the formal sector, and ensure that women employed in the informal and agricultural sectors are covered by social and labour protections;

(b) Expedite the ratification of the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO), and establish a minimum wage and social security provided by law for all workers;

(c) Intensify labour inspections to detect child labour and prosecute employers who recruit girls for exploitation purposes, principally in the informal and agricultural sectors;

(d) Adopt legislation to specifically address sexual harassment in the workplace, including though labour law and criminal law, with adequate penalties and the provision of redress to victims of sexual harassment.

Health

36. The Committee notes with appreciation the recognition by the State party of traditional practices and indigenous knowledge for their important contribution to women's health, in particular with regard to maternal health. It also notes the approval of a protocol for therapeutic abortion that seeks to guarantee the life and health of women. However, the Committee remains concerned about the following:

(a) Low level of public investment in health and the limited coverage and access to health care services for women across the State party, in particular in rural areas, owing to cost, geographical factors and discrimination by health services personnel;

(b) Persistently high rate of maternal mortality, early pregnancy and malnutrition, in particular among indigenous women and girls;

(c) Lack of comprehensive education on sexual and reproductive health and rights and family planning services and the limited access to modern contraceptives in the State party;

(d) Increasing prevalence of HIV/AIDS among women, despite the decreasing rates in the overall population;

(e) Absence of measures to implement the Committee's previous recommendations to revise legislation criminalizing abortion and to prevent unsafe abortions (CEDAW/C/GUA/CO/7, para. 36).

37. **The Committee recommends that the State party:**

(a) Increase its health expenditure and improve the coverage of and access to health services throughout its territory;

(b) Reduce the incidence of maternal mortality, including through collaboration with traditional midwives and the training of health professionals, especially in rural areas, ensuring that all births are attended by skilled health personnel, in line with targets 3.1 and 3.7 of the Sustainable Development Goals, and making coordinated efforts to address malnutrition in a strategic, gender-sensitive and culturally appropriate manner;

(c) Ensure that all women have access to good-quality sexual and reproductive health-care services, including age-appropriate sex education in schools and awareness-raising campaigns in local languages on family planning

and the prevention of early pregnancy and sexually transmitted infections, and to affordable, modern contraceptives;

(d) **Ensure that women and girls who are victims of sexual abuse have immediate access to emergency health-care services, including to reduce the risk of harm resulting from unsafe abortions;**

(e) **Guarantee equal access for women and men to adequate treatment for and means of prevention of HIV/AIDS, as well as free access to antiretroviral medicines for women and girls to prevent mother-to-child transmission;**

(f) **Legalize abortion in cases of threat to the health of the woman, rape, incest or severe foetal impairment, decriminalize it in all other cases and implement effective measures to provide access to therapeutic abortion.**

Economic and social benefits and economic empowerment of women

38. The Committee welcomes that the national economic policy defines priorities for the economic empowerment of women. Nevertheless, the Committee is concerned about the disproportionate levels of poverty among women and the lack of initiatives to increase tax collection for social expenditure. It is concerned about the inadequate management of development processes, the fragmentation of small programmes for social development, which are insufficiently monitored and evaluated, and the lack of a coherent policy on social protection and compensation programmes for women, especially women heads of households. The Committee is also concerned that the majority of women employed in the informal sector do not have access to the national social security system, social protection or compensation programmes. It is further concerned about the barriers that women face in accessing financial services, such as the requirement to provide proof of steady income or employment or of property ownership.

39. **The Committee recommends that the State party:**

(a) **Increase tax collection and improve revenue administration;**

(b) **Take measures to reduce poverty and improve the economic empowerment of women, in particular among indigenous women and women of African descent;**

(c) **Increase women's access to the national social security system, develop coordinated social protection and compensation programmes for women and modernize the outdated management of development processes;**

(d) **Establish adequate mechanisms for monitoring, evaluation and impact analysis of social development programmes directed at women and ensure the participation of women in efforts to meet the targets of the 2030 Agenda for Sustainable Development;**

(e) **Foster targeted measures to increase women's access to financial services, including low-interest credit and savings schemes, and promote their entrepreneurial activities by providing technical assistance and counselling.**

Rural, indigenous and Garifuna women

40. The Committee notes with appreciation the adoption of the policy for gender equality and the strategic implementation plan of the Ministry of Agriculture for the period 2014–2023. It is concerned, however, about the current trend of rural development and the degradation of living conditions in rural areas, especially in

indigenous and Garifuna communities. It notes with concern that rural women continue to have restricted or no access to housing, basic services and infrastructure, including safe water and adequate sanitation, and that land ownership remains concentrated in the hands of a few, which limits women's livelihood and employment opportunities. It is concerned about recent forced evictions where women and girls have been victims of excessive violence, harassment and sexual assault by public and private security officers. The Committee is also concerned about the harmful impact of the use of pesticides, fertilizers and agrochemicals on women's health.

41. **Recalling its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Ensure the participation of rural, indigenous and Garifuna women in rural organizations and in the development and implementation of policies, programmes and initiatives aimed at promoting their employment opportunities and economic empowerment;**

(b) **Broaden and facilitate rural, indigenous and Garifuna women's access to land ownership and the representation of women in decision-making processes concerning land use and development planning;**

(c) **Take legal and other measures to prevent forced evictions and attacks against women, effectively protect women who are victims of harassment and violence in the context of forced evictions, bring perpetrators to justice and seek the free, prior and informed consent of indigenous women through consultations on any proposed intensive farming, development or extractive projects and activities on their traditional lands and ensure that they are provided with adequate alternative livelihoods and benefit from any such activities, in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO;**

(d) **Guarantee rural, indigenous and Garifuna women's access to basic services and housing, safe water and adequate sanitation, and the prompt investigation of complaints by rural women about the harmful use of pesticides, fertilizers and agrochemicals.**

Migrant women and internally displaced women

42. The Committee welcomes the approval of the Migration Code (Decree No. 44-2016), which incorporates a human rights-based approach and reflects the specific situation of women on the move. Nevertheless, the Committee is concerned about the following:

(a) Lack of regulations to implement the Migration Code;

(b) Absence of a policy to protect the rights of women migrant workers;

(c) Lack of data on the situation of internally displaced women and their families and the multiple reasons for their displacement, including forced evictions from land, violence and threats against them by State and private actors or companies or by organized crime syndicates or gangs and environmental degradation.

43. **The Committee recommends that the State party:**

(a) **Adopt regulations for the effective implementation of the Migration Code, in compliance with international standards, including respect for the principle of non-refoulement, decriminalization of irregular entry and provision of assistance to all women in need of international protection;**

(b) **Develop and implement policies to protect and promote the rights of women migrant workers, in collaboration with countries in the region;**

(c) **Conduct analytical research on the multiple reasons for women's migration and internal displacement as the basis to formulate adequate policy responses to guarantee the human rights of women in the context of international migration and to address the root causes of internal displacement.**

Women in detention

44. The Committee notes with appreciation recent the pilot initiatives, which have received international support, on penitentiary reform, including non-custodial alternatives to the pretrial detention of women and men, such as electronic monitoring bracelets. The Committee is concerned, however, that 50 per cent of the women being held in custody are in pretrial preventive detention. It notes with concern the overcrowded and deplorable conditions in places of detention for women, as well as reported cases of gender-based violence, the depriving of lesbian and transgender women of partner visits and the use of isolation as punishment. It also notes with concern the inadequate accommodation of pregnant women and women in detention with their children.

45. **The Committee recalls the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders and the United Nations Standard Minimum Rules for the Treatment of Prisoners and recommends that the State party:**

(a) **Continue its penitentiary reform efforts and reduce overcrowding through the promotion of non-custodial alternatives to pretrial detention;**

(b) **Ensure that women in detention have adequate access to health care, nutrition and hygiene;**

(c) **Promptly investigate all alleged cases of ill-treatment and violence against women in detention and ensure that partner visitation rights are respected, without discrimination towards lesbian and transgender women;**

(d) **Provide alternatives to detention for pregnant women and mothers with young children, taking into account the best interests of the child.**

Marriage and family relations

46. The Committee welcomes legal amendments to raise the minimum age of marriage to 18 years and the elimination of any exemptions from that age (Decrees Nos. 8-2015 and 13-2017). Nevertheless, the Committee is concerned that many girls are still getting married or entering into a union, with serious negative consequences for their health and education. It notes with concern that provisions relating to the age of sexual consent in the Penal Code have not been brought into line to ensure protection for girls between the ages of 14 and 18 years. The Committee is also concerned about the high number of unregistered marriages.

47. **The Committee recommends that the State party ensure the strict application of Decrees Nos. 8-2015 and 13-2017. It also recommends that the State party harmonize the provisions of the Penal Code relating to the age of sexual consent (articles 1°3 and 1°3 bis). It recommends that the State party address the root causes of early marriage and unions and carry out public awareness-raising programmes to end such practices, including campaigns on the negative health and education consequences of early pregnancy and marriage**

for girls. It also recommends that the State party adopt measures to protect the rights of girls already in child marriages and unions and to ensure the registration of all marriages.

Data collection and analysis

48. The Committee notes with appreciation that the next census will take place in April 2018. The Committee regrets, however, that the data that are currently available do not allow for an adequate understanding of living conditions and existing inequalities, because they are insufficient and out of date. It also regrets that insufficient disaggregated data was provided in many areas addressed by the Convention. The Committee is concerned about the lack of information regarding measures to build the capacity of the national statistical institute to provide statistics disaggregated by sex, in order to provide clearer information on the situation of women.

49. **The Committee recommends that the State party ensure that the next census, in 2018, includes criteria for respondents' self-identification as indigenous women and Garifuna and non-Garifuna women of African descent, with a view to their identification and recognition. In that regard, the Committee also recommends that civil society organizations, including women's organizations representing the abovementioned groups, be involved in all processes of information-gathering and that awareness-raising programmes be put in place for communities and all those in charge of designing methods and collecting and analysing information. It further recommends that the State party take measures to strengthen the capacity of the national statistical institute to improve the collection and analysis of statistical data, disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, in particular with respect to groups of women affected by intersecting forms of discrimination, in order to assess the progress made towards de facto equality, the impact of the measures taken and the results achieved.**

Beijing Declaration and Platform for Action

50. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

51. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of the implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

52. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Congress and the judiciary, to enable their full implementation.**

Technical assistance

53. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

54. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[7] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to the concluding observations

55. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (a), 25 (b), 35 (b) and 41 (a) above.**

Preparation of the next report

56. **The Committee requests the State party to submit its tenth periodic report, which is due in November 2021. The report should be submitted on time and cover the entire period up to the time of its submission.**

57. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

[7] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.